

Remarks

Claims 1-77 are pending in the Application. Claims 30 and 38 has been modified to further clarify the claim language. Entry of the amendment is respectfully requested. No new matter has been added. Reconsideration is respectfully requested.

The Alleged Groups

The Action alleges that the following Groups are not so linked as to form a single general inventive concept under PCT Rule 3.1:

- I. Claims 1-11 and 30-31, drawn to plural networking transaction function devices.
- II. The remaining pending claims, drawn to a single transaction with service proxy.

Applicants Provisionally Elect With Traverse

In response to the restriction requirement, Applicants, as the requirement is best understood, provisionally elect with traverse the alleged Group II (claims 12-29 and 32-77).

Reconsideration and withdrawal of the election requirement are respectfully requested. Applicants respectfully submit that the requirement is not legally proper and should be withdrawn.

The Action does not meet the requirements necessary for restriction requirement

MPEP § 1893.03(d) states that "When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group".

The Applicants respectfully submit that the Action does not meet these requirements. The Action does not explain why each asserted group lacks unity with each other group. Nor does the Action describe the unique special technical feature in each group, and how each

asserted group has a unique special technical feature which is not found in the other group. It follows that the Action has not met its burden for a proper restriction requirement.

The Requirement is not legally proper because there is no serious burden

MPEP § 803 sets forth criteria for a proper election requirement. One of the criteria is that there must be a "serious burden" on the examiner in order for election to be required. Contrarily, if the search and examination of an entire Application can be made without serious burden, then the examiner must examine it on the merits. Applicants respectfully submit that the requirement is not legally proper because the criteria for serious burden has not been met.

Rejoinder


Applicants request that the Office subsequently consider the issue of rejoinder of claims (MPEP § 1893.03(d) and § 821.04). Applicants reserve all rights to rejoinder.

Conclusion

The restriction requirement is improper, respectfully traversed, and should be withdrawn.

The undersigned is willing to discuss any aspect of the Application by phone at the Office's convenience.

Respectfully submitted,



Ralph E. Jocke Reg. No. 31,029
WALKER & JOCKE
231 South Broadway
Medina, Ohio 44256
(330) 721-0000